



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/347,748	12/01/94	KAUSHANSKY	K 94-902

DEBRA K LEITH
ZYMOTENETICS INC
1201 EASTLAKE AVENUE EAST
SEATTLE WA 98102

18M1/0428

EXAMINER

ART UNIT	PAPER NUMBER
1812	17

DATE MAILED: 04/28/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

- ☒ This communication is responsive to the amendment filed 3/25/97.
- ☒ The allowed claim(s) are 9-13, 15-22, 24-31, renumbered 1-5, 6-13, 14-21,
- ☒ The drawings filed on 12/22/94 are acceptable. respectively.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☐ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 14

☐ Notice of Draftperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

JOHN ULM
PRIMARY EXAMINER
GROUP 1800

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Deborah Sawislak on 4/22/97.

2. The application has been amended as follows:

IN THE CLAIMS:

Please cancel claims 1-8 without prejudice.

3. The following is an Examiner's Statement of Reasons for Allowance:

None of the prior art of record disclose or suggest a method for stimulating erythropoiesis comprising administering to a mammal in need thereof a composition comprising thrombopoietin or thrombopoietin and erythropoietin.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication should be directed to Prema Mertz whose telephone number is (703) 308-4229. The

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Art Unit: 1812

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examiner can normally be reached on Monday-Friday from 8:00AM to 4:30PM (Eastern time).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Stephen Walsh, can be reached on (703) 308-2957.

Papers related to this application may be submitted to Group 1800 in Crystal Mall 1 by facsimile transmission, in conformity with the notice published in the official Gazette, 1096 OG 30 (November 15, 1989). The FAX phone number for Art Unit 1812 is (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Prema Mertz Ph.D.
Patent Examiner
April 23, 1997


JOHN ULM
PRIMARY EXAMINER
GROUP 1800



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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NOTICE OF ALLOWANCE AND ISSUE FEE DUE

18N2/0428

DEBRA K LEITH
ZYMOGENETICS INC
1201 EASTLAKE AVENUE EAST
SEATTLE WA 98102

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/347,748	12/01/94	021	MERTZ, P	1812 04/28/97
First Named Applicant KAUSHANSKY, KENNETH				

TITLE OF INVENTION METHODS FOR STIMULATING ERYTHROPOIESIS USING HEMATOPOIETIC PROTEINS

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1 94-902	424-085.100	M40	UTILITY	NO	\$1290.00	07/28/97

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.
If the SMALL ENTITY is shown as yes, verify your current SMALL ENTITY status:

If the SMALL ENTITY is shown as NO:

- A. If th status is changed, pay twice the amount of the FEE DUE shown and notify the Patent and Trad mark Office of the change in status, or
- B. If th status is the same, pay the FEE DUE shown abov

A. Pay FEE DUE shown above, or

B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "6b" of Part B should be completed.

III. All communications regarding this application must give application number and batch number.

Please direct all communication prior to issuance to Box ISSUE FEE unless advised to th contrary.

IMPORTANT REMINDER: Patents issuing on applications filed n or after Dec. 12, 1980 may require payment f maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.